

MARCH 15, 2007 SUPERVISORS' MEETING:

The Mount Joy Township Board of Supervisors met this date, as publicly advertised, at 7:30 p.m. in the meeting room of the Mount Joy Township Municipal building, 902 Hoffman Home Road, Gettysburg, PA 17325 with Board Chairman James W. Waybright presiding. Others in attendance were: Supervisors William Chantelau, George Scott, and Samuel Dayhoff; Solicitor Walton V. Davis; Robin Crushong, Treasurer; News Reporters Ashley Andyshak (*The Gettysburg Times*), and Matt Casey (*Evening Sun*); and Secretary Brenda J. Constable. Supervisor Harold Kirschner was not present.

Others in attendance were: Robert Rhodes; Elsie Morey; Mary Davis; Sharon Payne; Eileen T. Holmes; Harry Walker; Jerry Althoff representing the Planning Commission; Jerry Maloney; Karen Breighner; David Updyke representing the Watch Dog Group; Veronica Frank; Carol Holtz; Sally Alexander; Steve Loss representing Fairview Farms-Barton Breighner; Bonni Klein representing The Links; Lynn Anne Sukeena; and Robert Gitt.

Board Chairman Waybright led everyone with the Pledge to the Flag.
The meeting was being recorded by the Township and by Robert Rhodes.

Minutes:

Mr. Chantelau moved, seconded by Mr. Scott, to approve the minutes of the February 15, 2007 meeting as presented. Motion carried unanimously.

Public Comments:

Eileen Holmes: asked why the Conditional Use Hearing scheduled for March 7, 2007 was canceled. Supervisors responded that the applicant asked to have it continued; a new date has not yet been set.

Announcements:

Ms. Constable announced the following:

- Conditional Use Hearing for Shipley Stores, Inc. continued; date to be determined.
- Public Hearing on April 19, 2007 at 7:15 p.m. to receive public comment on a proposed ordinance amending the zoning ordinance relative to traffic studies.
- Zoning Hearing Application for Variance filed by Walter M. Trostle; hearing scheduled for April 18, 2007 at 7:00 p.m.
- Complaints regarding the temporary lights at Two Taverns area due to bridge replacement. According to the construction manager and PennDOT reps, representatives have been at the job site every day trying to remedy the problem. Vehicles must stop at the stop bar where a sensor triggers the light activity.

Treasurer's Report:

Mr. Scott moved, seconded by Mr. Chantelau, to approve the Treasurer's Report for the month of February and part of March as presented. Motion carried unanimously.

Mr. Chantelau moved, seconded by Mr. Scott, to approve the bills to be paid for the month of February and part of March as presented. Motion carried unanimously.

Subdivision/Land Development Plans:

1. Westminster-Keystone Custom Homes: proposed 204-lot subdivision on White church and Goulden Roads. Supervisors noted their extension is good through April 30, 2007 and nothing new has been submitted so the plan remains on the table.
2. ShIPLEY Stores, Inc.: proposed land development plan for removal of existing store at 1910 Baltimore Pike and building of new store with gas pumps and bank. Extension is good through April 23, 2007. Noted Conditional Use Hearing was continued with a date to be determined. This plan remains on the table.
3. Penton/Thomson: two-lot addition Preliminary/Final Plan approved on August 17, 2006 but land owners missed 90-day recording timeline. Requesting a reapproval. Mr. Dayhoff moved, seconded by Mr. Scott, to re-approve the Preliminary/Final Plan. Motion carried unanimously.
4. Fairview Farms-Barton Breighner, Owner: proposed Final plan for Phase I consisting of seven lots located at 545 Hickory Road. Noted extension through May 13, 2007. Planning Commission recommends approval contingent on satisfying KPI comments and Solicitors' approval of HOA (Home Owner's Association) declarations. Mr. Steve Loss representing Fairview Farms, noted that he would be meeting with PennDOT within the next two weeks to work out some options regarding driveway accesses to Hickory Road. Mr. Davis asked if any options would change the layout of the lots. Mr. Loss responded that some options could and some options won't. It was also noted that another main issue is with regard to the Home Owner's Association (HOA) Declaration of Covenants. Mr. Davis noted that a Declaration of Planned Community is required by the Uniform Planned Communities Act (UPCA) as far as the form; they need a Declaration of Planned Community because it is 13 lots. The format provided in that Act should be followed. Mr. Davis explained that the UPCA is not for the benefit of the Township but rather for the benefit of the people who buy. It is a big concern to the developer because he could end having all the sales negated if he doesn't comply; and it's a concern to the purchasers that they haven't been given the proper notices that the legislators decided they need to have. The concern of the Township is because this development is having private roads and the Township should have the right, as done in other developments in Mount Joy Township, to have the Township go in if the HOA fails to properly maintain the roads and have the ability to make corrections and then put liens against all of the property owners for the cost. Mr. Davis submitted suggested language to Mr. Breighner's attorney to revise the declaration. The current declaration as submitted to the Township needs to be revised as well as typos, etc. and is not ready for approval. Mr. Davis suggested that the Supervisors could table action in order for the applicant to find out what PennDOT will do with the lot size, whether they change them or not. Or the Supervisors could approve it with the condition that he [Davis] is satisfied with the Declaration and that PennDOT gets satisfied; i.e. the Supervisors could approve the plan but not sign it. The Supervisors agreed that there were too many problems with the declaration at this point. In addition, a major issue could be with PennDOT if they were to change the lot size or layout. If tabled, changes could be made before final approval, but if approved now with conditions and the lots change, then a new plan would need to be submitted. Mr. Dayhoff moved, seconded by Mr. Chantelau, to table action until the April meeting and recommended that the applicant ask for an extension to June or July which would allow more time to work out the declarations, and especially the lot sizes with PennDOT. Motion carried unanimously. Further discussion was held regarding Mr. Davis and Mr. Erb, (Breighner's attorney), during the extension timeframe, could work out the language needed for the declaration. In addition, after Mr. Loss meets with PennDOT and gets their direction, he should contact the Township so that a sub-committee could meet with him and/or the developer to review the language of the declaration after Mr. Davis's review.

Road Report:

Mr. Scott moved, seconded by Mr. Chantelau, to authorize advertisement to accept bids for aggregate and seal coat and to set the date of April 19, 2007 to open said bids. Motion carried unanimously.

Mr. Scott moved, seconded by Mr. Chantelau, to approve the Road Report as presented. Motion carried unanimously.

Mr. Dayhoff, Road Superintendent, expressed a "Thank You" to Straban and Mount Pleasant Township for their road crew assistance in Mount Joy Township with cutting and trimming trees. He also noted that Mount Joy Township sent a truck to Gettysburg Borough to help with snow removal. In exchange, the Borough will let Mount Joy Township use their street cleaner.

Zoning Officer's Report:

Mr. Chantelau moved, seconded by Mr. Scott, to approve the Zoning Officer's Report as presented. Motion carried unanimously.

Correspondence:

Ms. Constable noted receiving the following correspondence:

- PennDOT will not study the area on Route 97 as requested to prohibit the use of engine retardant brakes.
- Gettysburg Village Factory Stores general manager notified the Township that she would address the early morning garbage pickup with Waste Management.
- Littlestown AYSO requesting donations.
- Department of Conservation and Natural Resources grant approval for comprehensive recreation park and open space plan.
- Establishment of the Littlestown Historical Society.

Committee Reports:

Personnel: Nothing to report.

Finance: With regard to the York Adams Tax Bureau overpayments to municipalities, Mr. Chantelau noted that the Finance Committee recommends accepting Option 4 for repayment, which would be to have the difference that the Township owes, to let YATB apply the amount to our revenue two times in 2007. Mr. Dayhoff moved, seconded by Mr. Scott, to approve Option 4. Motion carried unanimously.

Planning, Land Use & Zoning: Mr. Chantelau noted that residents in Straban Township notified Mount Joy Township that the York Water Company made application to DEP to put a pipe in that would run through Straban Township. There are actually two applications, one to run a pipe through Straban Township, and the second is to connect the pipe to the GMA (Gettysburg Municipal Authority). Mount Joy Township, on behalf of Mr. Chantelau, sent an email to DEP referencing the water allocation amendment, and Mr. Chantelau read the email out loud for everyone's information.

Building & Grounds: Nothing to report.
Roads: Nothing to report.
Public Safety: Nothing to report.

Agricultural Land Preservation: Noted receiving the monthly report.

With recommendation from the Ag Land Board, the following actions were taken:

- a) Mr. Scott moved, seconded by Mr. Chantelau, to approve the purchase of agricultural land preservation easement in the amount of Two Thousand Seventy Two Dollars and No Cents (\$2,072.00) per acre to purchase the improved real property located at and known as 4002 Baltimore Pike, Gettysburg, Mount Joy Township, Adams County, Pennsylvania 17325, and as described in Deed Book 1617 at Page 0097, totaling 52.88 deeded acres, all of which acreage has been appraised for this price, owned by Stephen G. Zeigler. It was noted that this amount is 80% of the appraised value. Motion carried unanimously.
- b) Mr. Scott moved, seconded by Mr. Dayhoff, to approve Adams County Surveyors to verify closure on a survey of Farm 1 of Round III. Motion carried unanimously.
- c) Mr. Scott moved, seconded by Mr. Dayhoff, to authorize the Treasurer to requisition funds for the purchase of Farm 1, Round III. Motion carried unanimously.
- d) Mr. Dayhoff moved, seconded by Mr. Scott, to authorize a Request for Appraisal for Farm 2 and Farm 3 of Round III. Motion carried unanimously.
- e) Mr. Scott moved, 2GS to approve appraisals for Farm 2 and Farm 3 of Round III. Motion carried unanimously.
- f) Mr. Scott moved, seconded by Mr. Chantelau, to authorize the Ag Board to mail postcards to property owners of 50 acres or more announcing the opening of Round III. Motion carried unanimously.

Recreation Board: Noted receiving the monthly report. Mr. Scott noted the grant award and asked what the next move was. Ms. Crushong explained that the Board would meet with a sub-committee of the Supervisors and a representative from DCNR. DCNR will help the Township put together an RFP (Request for Proposal).

Other Business:

Comcast Franchise Agreement: Mr. Scott moved, seconded by Mr. Chantelau, to table action on the agreement pending receipt of additional information from the Comcast representative. Motion carried unanimously.

Ms. Constable noted that Embarq has offered DSL to the Township. The Township has been waiting for Comcast to run cable on Hoffman Home Road so digital cable could be used for internet service, however, Comcast has not committed to this. Mr. Dayhoff moved, seconded by Mr. Scott, to authorize using Embarq DSL for internet service. Motion carried unanimously.

New Business:

The Links At Gettysburg: Per a request from Richard A. Klein, Owner of The Links At Gettysburg, the following actions were taken:

- a) Mr. Dayhoff moved, seconded by Mr. Chantelau, to approve a Guaranty Agreement for the final density payment plus interest with payment in full due by April 5, 2008. Motion carried unanimously.
- b) Mr. Chantelau moved, seconded by Mr. Dayhoff, to approve Financial Security Reduction No. 3 for Garrison Falls Phase IIB in the amount of \$85,290.00. Motion carried unanimously.
- c) Mr. Chantelau moved, seconded by Mr. Dayhoff, to approve a Public Improvements Bonding Reduction No. 2 for the Retreat in the amount of \$256,777.00. Motion carried unanimously.

Executive Session:

Mr. Waybright called for an Executive Session at 8:20 p.m. this date.

Meeting Reconvened:

Mr. Waybright reconvened the Supervisors' Meeting at 8:40 p.m. this date with all Supervisors, staff and news reporters as listed above being present. Others in attendance were: Robert Rhodes; Elsie Morey; Sally Alexander; David Updyke; Veronica Franek; Eileen Holmes; Carol Holtz; Jerry Althoff; Jerry Maloney; LynnAnne Sukeena; Sharon Payne; Mary Davis; Robert Gitt; and Harry Walker.

Mr. Davis explained the purpose of Executive Session was to discuss two issues: a) allegations of wrong doing received at the Township and a request for investigation; and, b) the potential acquisition of real estate which has been ongoing for over a year.

Public Comment:

Board Chairman recognized Mr. Barton Breighner who asked to make public comment. The Supervisors agreed to give him the floor.

Mr. Barton Breighner asked for an opportunity to speak with regard to his subdivision plan that is currently on the table; Fairview Farms. He requested that the Supervisors give a tentative approval. Mr. Davis responded that the Township has some concerns at this time and there are apparently some potential problems, especially if PennDOT review causes to refigure some of the lots. Mr. Breighner continued to express his opinion that he felt he has been treated unfairly by the Township with regard to this plan. Mrs. Breighner then continued to express her displeasure with working with the Township officials as well.

Adjournment:

Mr. Waybright adjourned the meeting at 8:50 p.m. this date.

Sincerely,

Brenda J. Constable
Secretary